

RCE/2122  
ZMY

**REQUEST FOR CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Address to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Application No. 09/967,093  
 Filing Date September 28, 2001  
 First Named Inventor Brannock et al.  
 Art Unit 2122  
 Examiner Name Zhen, Wei Y.  
 Attorney Docket No. 42P11898

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** – Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
  - a.  Previously submitted If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
    - i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_ (Any unentered amendment(s) referred to above will be entered. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.)
    - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
    - iii.  Other \_\_\_\_\_
  - b.  Enclosed
    - i.  Preliminary Amendment/Reply
    - ii.  Affidavit(s)/Declaration(s)
    - iii.  Information Disclosure Statement (IDS)
    - iv.  Other \_\_\_\_\_
2. **Miscellaneous**
  - a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) required)
  - b.  Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by C.F.R. § 1.114 when the RCE is filed.
  - a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-2666
    - i.  RCE fee required under 37 C.F.R. § 1.17(e)
    - ii.  Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
    - iii.  Processing fee under 37 CFR § 1.17(i) for Limited Suspension of Action
    - iv.  Other \_\_\_\_\_
  - b.  Check in the amount of \$ 790.00 enclosed
  - c.  Payment by credit card (Form PTO-2038 enclosed)
 

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type) R. Alan Burnett Registration No. (Attorney/Agent) 46,149

Signature R. Alan Burnett Date April 6, 2005

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

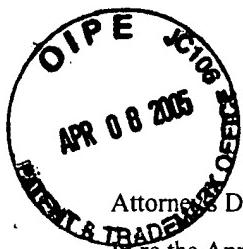
Name (Print/Type) Adrian Villarreal Date April 6, 2005  
 Signature A. Villarreal

Express Mail No. (only if applicable): \_\_\_\_\_

04/11/2005 EAREGAY1 00000033 09967093

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Attorneys Docket No.: 42P11898

Patent

In re the Application of: Brannock et al.

(inventor(s))

Application No.: 09/967,093

Filed: September 28, 2001

For: METHOD FOR ATOMICALLY UPDATING A PLURALITY OF FILES  
(title)

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Alexandria, Virginia 22313-1450

SIR: Transmitted herewith is a Preliminary Amendment for the above-referenced application.

Applicant claims small entity status. See 37 CFR 1.27.

**Additional fee is required for an RCE**

Other:

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)		(Col. 3)
Total Claims	* 29	Minus	** 29		0
Indep. Claims	* 4	Minus	*** 4		0
<b>First Presentation of Multiple Dependent Claim(s)</b>					

SMALL ENTITY	
Rate	Additional Fee
X25	\$
X100	\$
+180	\$
Total Add. Fee	\$

OTHER THAN A SMALL ENTITY	
Rate	Additional Fee
X50	\$ 0
X200	\$ 0
+360	\$
Total Add. Fee	\$ 0

\* If the entry in Col. 1 is less than the entry In Col. 2, write "0" in Col. 3.

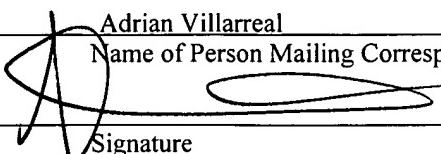
\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

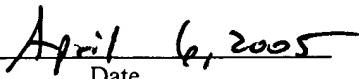
\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest No. Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)

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on April 6, 2005  
Date of Deposit

  
Adrian Villarreal  
Name of Person Mailing Correspondence  
Signature

  
Date

A check in the amount of \$\_\_ is attached for presentation of additional claim(s).

Applicant(s) hereby Petition(s) for an Extension of Time of \_\_\_\_\_ month(s) pursuant to 37 C.F.R. § 1.136(a).

A check for \$ 790.00 is attached for processing fees under 37 C.F.R. § 1.17.

Please charge my Deposit Account No. 02-2666 the amount of \$\_\_\_\_\_.

A duplicate copy of this sheet is enclosed.

The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 02-2666 (a duplicate copy of this sheet is enclosed):

Any additional filing fees required under 37 C.F.R. § 1.16 for presentation of extra claims.

Any extension or petition fees under 37 C.F.R. § 1.17.

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: April 6, 2005

R. Alan Burnett  
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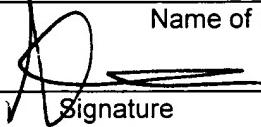
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Adrian Villarreal

Name of Person Mailing Correspondence



Signature

April 16, 2005

Date



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Brannock et al.	)	Examiner: Zhen, Wei Y.
Serial No. 09/967,093	)	Art Unit: 2122
Filed: September 28, 2001	)	
For: METHOD FOR ATOMICALLY UPDATING A PLURALITY OF FILES	)	

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PRELIMINARY AMENDMENT AND REQUEST FOR RECONSIDERATION

Sir:

In connection with the Request for Continued Examination (RCE) filed herewith, the Applicants request the Examiner to enter the following amendments and to reconsider all pending claims in view of the amendment and the following remarks.